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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHELA CAMENISCH, et al.,
Plaintiffs,
v.
UMPQUA BANK,
Defendant.

Case No. 20-cv-05905-RS

ORDER DENYING MOTION TO CONTINUE

Under a stipulated scheduling order, plaintiffs filed their motion for class certification in early February, and set it to be heard in June. Defendant’s opposition is due March 29, 2022. Defendant now seeks to extend the remaining briefing and the hearing date by approximately 30 days. Defendant asserts plaintiff recently produced a privilege log disclosing for the first time that it is withholding approximately 50 documents. Defendant intends to seek relief from the assigned magistrate judge to test the privilege claims and potentially obtain production of those documents. Defendant argues that if it is forced to file its opposition without the benefit of seeing those documents, it might have to present supplemental briefing or a decertification motion in the future.

The risk that subsequent production of the documents will lead to a decertification motion is extremely remote. Even assuming something in those documents could be game-changing as to the propriety of certification, it seems likely that the privilege claim will have been adjudicated and the documents either produced, or found to have been properly withheld, prior to the class certification hearing.

1 If the documents are found not to be privileged, or that the privilege has been waived *and*
2 they contain anything critical, and non-cumulative, to the class certification analysis, the slight
3 inconvenience of supplemental briefing is not a sufficient reason to delay the entire process now.
4 Defendant's request to modify the schedule is denied.

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6 **IT IS SO ORDERED.**

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8 Dated: March 23, 2022

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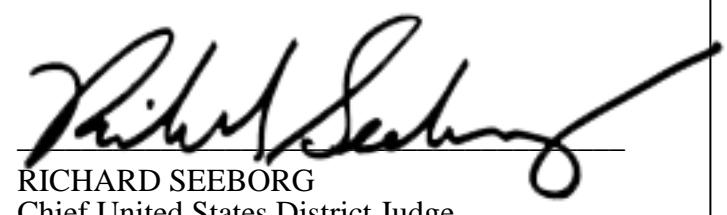
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RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California